

REMARKS/ARGUMENTS

Favorable reconsideration of the present application is respectfully requested.

Claim 2 has been amended to clarify that the “means for determining a difference” between a present torque and a target torque, and the “gradual switching control means” are functional upon switching from a two-wheel drive mode to a four wheel drive mode. Claim 4 has similarly been amended to clarify that the “switching inhibiting means” and “the means for determining a difference” between a present torque and a target torque are functional upon switching from a two-wheel drive mode to a four wheel drive mode.

As was previously explained, a gradual switching control means according to the invention gradually changes the present torque to a target torque, when switching the drive mode from a two-wheel drive mode to a four-wheel drive mode, only when the difference between the present and target torques is more than a predetermined value, e.g., as shown in steps S104 and S212. This has the advantage of minimizing torque shock when switching from the two-wheel drive mode to the four-wheel drive mode (page 3, lines 21-26).

Claims 2 and 3 were again rejected under 35 U.S.C. § 103 as being obvious over Glab et al. As previously explained, Glab et al. is directed to a system for controlling a transfer case clutch assembly during a torque *release* strategy, i.e., during release from four wheel drive to two wheel drive, in order to minimize cycling or slipping of the clutch (col. 1, lines 10-11 and 31-50). It incorporates a start delay period when the clutch duty cycle falls below a slip torque threshold in order to ensure that the clutch is released in a smooth manner (col. 5, lines 10-15; col. 7, lines 8-14). However there is no description therein of switching the drive mode from a two-wheel drive mode to a four-wheel drive mode.

Paragraph 4 of the Office Action indicates that the same rejections have again been applied because the claims do not specify that the switching control operation is only for the

two to four wheel drive transition. However, while this is true, it does not detract from the failure of Glab et al to teach what was in fact recited in the rejected claims.

Rejected Claim 2 recited “switching control means for electrically controlling said driving power transmission device to switch the drive mode of said vehicle selectively from a two-wheel drive mode to a four-wheel drive mode.” Thus the claimed switching was from a two-wheel drive mode to a four-wheel drive mode. Therefore, the “switching” at the subsequently claimed gradual switching control means to gradually change the present torque to the target torque “at the time of the switching of said drive mode” refers to switching from a two-wheel drive mode to a four-wheel drive mode. Amended Claim 2 now makes this explicit.

Glab et al only discloses control during switching from a four-wheel drive mode to a two-wheel drive mode; the opposite of the claimed switching from a two-wheel drive mode to a four-wheel drive mode. *It provides no teaching concerning any control during switching from a two-wheel drive mode to a four-wheel drive mode, and so cannot teach the subject matter of Claims 2-3.* Whether or not the claims additionally limit the claimed control to occurring “only” during switching from a two-wheel drive mode to a four-wheel drive mode does not detract from the failure of Glab et al to teach the claimed control during switching from a two-wheel drive mode to a four-wheel drive mode. Claims 2-3 therefore define over this prior art.

Claims 4, 5, 7 and 8 were again rejected under 35 U.S.C. § 103 as being obvious over Takahashi et al in view of Glab et al. Here again, however, the fact that the claims do not specify that the switching control operation is only for the two to four wheel drive transition does not detract from the failure of the prior art to teach what was in fact recited in the rejected claims.

Rejected Claim 4 recited “switching control means for electrically controlling said driving power transmission device to switch the drive mode of said vehicle selectively from a two-wheel drive mode to a four-wheel drive mode.” Therefore, the “switching” at the subsequently claimed controlling of the driving power transmission device to gradually change the present torque to the target torque “at the time of the switching of said drive mode” refers to switching from a two-wheel drive mode to a four-wheel drive mode. Amended Claim 4 now makes this explicit.

As discussed above, Glab et al only discloses control during switching from a four-wheel drive mode to a two-wheel drive mode. *It provides no teaching concerning any control during switching from a two-wheel drive mode to a four-wheel drive mode, and so cannot teach the subject matter of Claims 4, 5, 7 and 8.* Whether or not the claims also limit the claimed control to occurring “only” during switching from a two-wheel drive mode to a four-wheel drive mode does not detract from the failure of Glab et al to teach the claimed control of these claims.

Applicants therefore believe that the present application is in a condition for allowance and respectfully solicit an early Notice of Allowability.

Respectfully submitted,

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